

## TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

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### CHAPTER 1—TELEGRAPHS

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#### **§§ 1 to 6. Repealed. July 16, 1947, ch. 256, § 1, 61 Stat. 327**

Section 1, R.S. §5263, related to use of public domain.  
Section 2, R.S. §5264, related to use of materials from public lands.

Section 3, R.S. §5266; acts June 19, 1934, ch. 652, §601, 48 Stat. 1101; Mar. 6, 1943, ch. 10, §6, 57 Stat. 12, related to Government priority in transmission of messages.

Section 4, R.S. §5267; act June 19, 1934, ch. 652, §601, 48 Stat. 1101, related to purchase of lines.

Section 5, R.S. §5268; act June 19, 1934, ch. 652, §601, 48 Stat. 1101, related to acceptance of obligations to be filed.

Section 6, R.S. §5265; act June 19, 1934, ch. 652, §601, 48 Stat. 1101, provided that rights were not transferable.

#### EFFECTIVE DATE OF REPEAL

Section 3 of act July 16, 1947, provided that: "This Act [repealing sections 1 to 6 and 8 of this title] shall take effect on the tenth day following the enactment date thereof [July 16, 1947]."

#### AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION; EFFECT OF REPEAL

Section 2 of act July 16, 1947, provided that: "Nothing in this Act [repealing sections 1 to 6 and 8 of this title]

shall limit the authority of the Federal Communications Commission under the provisions of the Communications Act of 1934, as amended [chapter 5 of this title], to prescribe charges, classifications, regulations, and practices, including priorities, applicable to Government communications."

#### **§ 7. Omitted**

#### CODIFICATION

Section, act June 23, 1879, ch. 35, §1, 21 Stat. 31, was dependent upon and incorporated by reference in sections 1 to 6 and 8 of this title which were repealed by act July 16, 1947, ch. 256, §1, 61 Stat. 327.

#### **§ 8. Repealed. July 16, 1947, ch. 256, § 1, 61 Stat. 327**

Section, R.S. §5269; acts Feb. 27, 1877, ch. 69, §1, 19 Stat. 252; June 19, 1934, ch. 652, §601, 48 Stat. 1101, related to refusal to transmit dispatches.

#### EFFECTIVE DATE OF REPEAL

Repeal effective on tenth day following July 16, 1947, see section 3 of act July 16, 1947, set out as a note under sections 1 to 6 of this title.

#### AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION; EFFECT OF REPEAL

See note set out under section 1 of this title.

#### **§ 9. Subsidized companies required to construct and operate lines**

All railroad and telegraph companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, which, by the acts incorporating them, or by any act amendatory or supplementary thereto, are required to construct, maintain, or operate telegraph lines, and all companies engaged in operating said railroad or telegraph lines shall, by and through their own respective corporate officers and employees, maintain, and operate, for railroad, governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants as aforesaid.

(Aug. 7, 1888, ch. 772, §1, 25 Stat. 382.)

#### CROSS REFERENCES

Federal Communications Commission, jurisdiction of, see section 601 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10, 11, 12, 15, 601 of this title.

### § 10. Equal facilities to connecting lines; discrimination in rates

Whenever any telegraph company which shall have accepted the provisions of sections 1 to 6 and 8<sup>1</sup> of this title, prior to the effective date of the repeal of such sections, shall extend its line to any station or office of a telegraph line belonging to any one of said railroad or telegraph companies, referred to in section 9 of this title, said telegraph company so extending its line shall have the right and said railroad or telegraph company shall allow the line of said telegraph company so extending its line to connect with the telegraph line of said railroad or telegraph company to which it is extended at the place where their lines may meet, for the prompt and convenient interchange of telegraph business between said companies; and such railroad and telegraph companies, referred to in section 9 of this title, shall so operate their respective telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such connecting lines; and such exchange of business shall be on terms just and equitable. (Aug. 7, 1888, ch. 772, § 2, 25 Stat. 383; Sept. 3, 1954, ch. 1263, § 48, 68 Stat. 1243.)

#### REFERENCES IN TEXT

Sections 1 to 6 and 8 of this title, referred to in text, were repealed by act July 16, 1947, ch. 256, § 1, 61 Stat. 327.

#### AMENDMENTS

1954—Act Sept. 3, 1954, amended section to make it clear that the rights and obligations of companies which accepted benefits under former sections 1 to 6 and 8 of this title, which have been repealed, continue irrespective of the repeal.

#### CROSS REFERENCES

Federal Communications Commission, jurisdiction of, see section 601 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 12, 15, 601 of this title.

### § 11. Powers of Federal Communications Commission

If any railroad or telegraph company referred to in section 9 of this title, or company operating such railroad or telegraph line shall refuse or fail, in whole or in part, to maintain, and operate a telegraph line as provided herein, for the use of the Government or the public, for commercial and other purposes, without discrimination, or shall refuse or fail to make or continue such arrangements for the interchange of business with any connecting telegraph company, then any person, company, corporation, or connecting telegraph company may apply for relief to the Federal Communications Commission, whose duty it shall thereupon be, under such rules and regulations as said commission may

prescribe, to ascertain the facts, and determine and order what arrangement is proper to be made in the particular case, and the railroad or telegraph company concerned shall abide by and perform such order; and it shall be the duty of the Federal Communications Commission, when such determination and order are made, to notify the parties concerned, and, if necessary, enforce the same by writ of mandamus in the courts of the United States, in the name of the United States, at the relation of either of said communication commissioners. The commissioners may institute any inquiry, upon their own motion, in the same manner and to the same effect as though complaint had been made.

(Aug. 7, 1888, ch. 772, § 3, 25 Stat. 383; June 19, 1934, ch. 652, § 601, 48 Stat. 1101.)

#### TRANSFER OF FUNCTIONS

Duties, powers, and functions under this section relating to operation of telegraph lines by railroad and telegraph lines granted Government aid in construction of their lines imposed on and vested in Federal Communications Commission by act June 19, 1934. See section 601 of this title.

#### FEDERAL RULES OF CIVIL PROCEDURE

Application, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

Effect of rules on this section, see note by Advisory Committee under rule 81.

Writ of mandamus abolished, see rule 81(b).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 12, 15, 601 of this title.

### § 12. Interference with liens of United States

In order to secure and preserve to the United States the full value and benefit of its liens upon all the telegraph lines required to be constructed by and lawfully belonging to railroad and telegraph companies referred to in section 9 of this title, and to have the same possessed, used, and operated in conformity with sections 9 to 15 of this title, it is made the duty of the Attorney General of the United States, by proper proceedings, to prevent any unlawful interference with the rights and equities of the United States under all acts of Congress relating to such railroads and telegraph lines, and to have legally ascertained and finally adjudicated all alleged rights of all persons and corporations whatever claiming in any manner any control or interest of any kind in any telegraph lines or property, or exclusive rights-of-way upon the lands of said railroad companies, or any of them, and to have all contracts and provisions of contracts set aside and annulled which have been unlawfully and beyond their powers entered into by said railroad or telegraph companies, or any of them, with any other person, company, or corporation.

(Aug. 7, 1888, ch. 772, § 4, 25 Stat. 383.)

#### CROSS REFERENCES

Federal Communications Commission, jurisdiction of, see section 601 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 15, 601 of this title.

<sup>1</sup> See References in Text note below.